

Section 1005

SEC. 1005. ACCOUNTABLE OFFICIALS IN THE DEPARTMENT OF DEFENSE

(a) ACCOUNTABLE OFFICIALS WITHIN THE DEPARTMENT OF DEFENSE -

Chapter 165 of title 10, United States Code, is amended by inserting after section 2773 the following new section:

Sec. 2773a. Departmental accountable officials

'(a) DESIGNATION BY SECRETARY OF DEFENSE-

The Secretary of Defense may designate any civilian employee of the Department of Defense or member of the armed forces under the Secretary's jurisdiction who is described in subsection (b) as an employee or member who, in addition to any other potential accountability, may be held accountable through personal monetary liability for an illegal, improper, or incorrect payment made the Department of Defense described in subsection (c). Any such designation shall be in writing. Any employee or member who is so designated may be referred to as a 'departmental accountable official'.

'(b) COVERED EMPLOYEES AND MEMBERS -

An employee or member of the armed forces described in this subsection is an employee or member who --

'(1) is responsible in the performance of the employee's or member's duties for providing to a certifying official of the Department of Defense information, data, or services that are directly relied upon by the certifying official in the certification of vouchers for payment; and

'(2) is not otherwise accountable under subtitle III of title 31 or any other provision of law for payments made on the basis of such vouchers.

'(c) PECUNIARY LIABILITY -

(1) The Secretary of Defense may subject a departmental accountable official to pecuniary liability for an illegal, improper, or incorrect

payment made by the Department of Defense
if the Secretary determines that such payment

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'(A) resulted from information, data, or
services that that official provided to a
certifying official and upon which that
certifying official directly relies in
certifying the voucher supporting that
payment; and

'(B) was the result of fault or
negligence on the part of that
departmental accountable official.

'(2) Pecuniary liability under this subsection
shall apply in the same manner and to the
same extent as applies to an official
accountable under subtitle III of title 31.

'(3) Any pecuniary liability of a departmental
accountable official under this subsection for a
loss to the United States resulting from an
illegal, improper, or incorrect payment is joint
and several with that of any other officer or
employee of the United States or member of
the uniformed services who is pecuniarily
liable for such loss.

'(d) CERTIFYING OFFICIAL DEFINED -

In this section, the term `certifying official' means an
employee who has the responsibilities specified in
section 3528(a) of title 31.'

(b) CLERICAL AMENDMENT -

The table of sections at the beginning of such chapter is
amended by inserting after the item relating to section 2773
the following new item:

'2773a. Departmental accountable officials.'